

The regular meeting of the Ewing-Lawrence Sewerage Authority was held on Tuesday, October 15, 2013 at 600 Whitehead Road, Lawrenceville, New Jersey 08648.

Present: Messrs. Cermele Colavita, DiFrancesco, Geter and Vereen and Mrs. Zamonski; Robert Filler, Executive Director and W. Barry Rank, Esquire.

Also attending: Allan Jacobs, Jacobs Environmental Consulting; Vance Stephens, ELSA Administrative Officer; David Sopronyi, ELSA Staff Engineer; Steve Durst, Jack Gallagher, J. Zuccarelli and Steve Trumbo of Synnergy LLC; Dennis Yoder of Remington, Vernick and Arango; Khairul Alam and Abid Ayat representing The Islamic House of Worship; Jim McManimon, Ewing Township Administrator.

Mr. Cermele called the meeting to order and Mr. Filler gave the invocation. After the Pledge of Allegiance, Mr. Cermele advised that all requirements of the Local Public Meetings Act have been met. He also advised that any contracts awarded today would comply with the requirements of P.L. 1975, c. 127 (N.J.A.C. 17:27).

Res. 98:13. On motion of Mr. Geter and seconded by Mr. Colavita and unanimously carried, the September 17, 2013 meeting minutes were approved.

Res. 99:13. On motion of Mr. Colavita and seconded by Mr. DiFrancesco and unanimously carried, the September 2013 Flow, Maintenance and Connection Reports were ordered filed.

Res. 100:13. On motion of Mrs. Zamonski and seconded by Mr. DiFrancesco it was moved that the Schedule of Bills for October 15, 2013 in the total amount of \$1,035,348.75 was accepted.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, Geter and Vereen and Mrs. Zamonski.

Nays: None.

Absent: None.

There was no public participation.

Mr. Filler reported on the Regional Sludge Management Committee. He advised that Trenton Fuel hired a consultant and they expect to be in operation by June 2014.

Res. 101:13. On motion of Mr. Geter and seconded by Mr. Colavita it was moved that the Authority accept Mr. Filler's report on the Regional Sludge Management Committee.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, Geter and Vereen and Mrs. Zamonski.

Nays: None.

Absent: None.

Mr. Jacobs reported that he has reviewed the application submitted by Lawrence Corners for a mixed use commercial development at the southwest corner of U.S. Route 1 and Bakers Basin Road. The project consists of a 12,000 square foot two-story retail building (Mrs. G's Appliances), a 2,943 square foot bank (TD Bank), a 15,000 square foot retail building, a 5,067 square foot convenience store with a fueling station (WAWA) and a 3,911 square foot restaurant (McDonald's). Mr. Jacobs recommended granting preliminary approval subject to the comments in his letter dated September 17, 2013.

Res. 102:13. On motion of Mrs. Zamonski and seconded by Mr. Geter the following resolution was presented for adoption:

WHEREAS, LAWRENCE CORNERS proposes construction of a mixed use commercial development at the southwest corner of U.S. Route 1 and Bakers Basin Road consisting of a 12,000 square foot two-story retail building (Mrs. G's Appliances), a 2,943 square foot bank (TD Bank), a 15,000 square foot retail building, a 5,067 square foot convenience store with a fueling station (WAWA) and a 3,911 square foot fast food restaurant (McDonald's), and

WHEREAS, the EWING-LAWRENCE SEWERAGE AUTHORITY (the "Authority") considered the application of the Developer to connect its proposed facility to the Authority's sewerage system;

NOW, THEREFORE BE IT RESOLVED that the proposed connection for the Developer's proposed Development to the Authority's sewerage system is approved, subject to the following conditions:

1. The connection to the Authority's sewerage system is subject to a determination by the Authority and any responsible regulatory agency (e.g., the United States Environmental Protection Agency and the New Jersey Department of Environmental Protection) at the time of connection that there is adequate capacity in such system to serve the Developer's proposed Development.
2. In the event that the Authority is unable to serve the Developer's proposed development at the time of connection because of inadequate capacity or for any other reason, the Developer shall have no right of action or recourse against the Authority.
3. The Developer, at its own cost, shall provide "as-built" plans for the sewerage system in a manner acceptable to the Authority's Engineer prior to the issuance of a Certificate of Occupancy by the Township.
4. The Developer, at its own cost, shall provide all necessary easements to the Authority upon the request of the Authority.
5. The Developer shall revise its utility plans in accordance with such recommendations as the Authority's Engineer shall specify.

6. The Executive Director is hereby authorized to execute all forms necessary to obtain a NJDEP Permit.

7. The Authority hereby endorses this project and further certifies that said project meets the 201 Agency requirements and expects to continue to meet the NJPDES Permit requirements.

8. This preliminary approval granted pursuant to this Resolution shall expire ninety (90) days from the date hereof.

9. The Developer shall pay the appropriate connection and inspection fees.

10. The sewers shall conform to the Authority's Rules and Regulations.

11. This approval is subject to acceptance of the comments and conditions outlined in Jacobs Environmental Consulting's letter dated September 17, 2013.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, Geter and Vereen and Mrs. Zamonski.

Nays: None.

Absent: None.

Mr. Filler reported that bids were received on September 18, 2013 for the referenced project. The bids received are as follows:

Municipal Maintenance Co. \$90,615
Cinnaminson, NJ

Optimum Controls Corp. \$93,844
Reading, PA

Longo Elec-Mechanical \$99,840
Wharton, NJ

William Hill recommends that the contract be awarded to Municipal Maintenance Co. as the lowest, responsible, responsive bidder.

Res. 103:13. On motion of Mrs. Zamonski and seconded by Mr. Geter it was moved that the contract for Maintenance Service for Instrumentation, Controls and Variable Speed Drives be awarded to Municipal Maintenance Co. of Cinnaminson, NJ for a one-year period in accordance with their bid received September 18, 2013 as the lowest, responsible, responsive bidder.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, Geter and Vereen and Mrs. Zamonski.

Nays: None.

Absent: None.

Mr. Jacobs reported that he has reviewed the application submitted by Islamic House of Worship. The project consists of construction of a 12,600 square Foot, three-story building at 336 Lawrence Station Road in Lawrence Township. Mr. Jacobs recommended granting final approval subject to the comments in his letter dated October 4, 2013. Messrs. Alam and Ayat requested a reduction in the EDU's calculated by ELSA for their project. The Board explained that the Authority EDU calculation are based on State guidelines it does not consider cases on an individual basis, therefore no reduction in the EDU calculation was given by the Board.

Res. 104:13. On motion of Mr. DiFrancesco and seconded by Mr. Geter the following resolution was presented for adoption:

WHEREAS, ISLAMIC HOUSE OF WORSHIP proposes construction of a 12,600 square foot, three-story building at 336 Lawrence Station Road in Lawrence Township; and

WHEREAS, the EWING-LAWRENCE SEWERAGE AUTHORITY (the "Authority") considered the application of the Developer to connect its proposed facility to the Authority's sewerage system;

NOW, THEREFORE BE IT RESOLVED that the proposed connection for the Developer's proposed Development to the Authority's sewerage system is approved, subject to the following conditions:

1. The connection to the Authority's sewerage system is subject to a determination by the Authority and any responsible regulatory agency (e.g., the United States Environmental Protection Agency and the New Jersey Department of Environmental Protection) at the time of connection that there is adequate capacity in such system to serve the Developer's proposed Development.
2. In the event that the Authority is unable to serve the Developer's proposed development at the time of connection because of inadequate capacity or for any other reason, the Developer shall have no right of action or recourse against the Authority.
3. The Developer, at its own cost, shall provide "as-built" plans for the sewerage system in a manner acceptable to the Authority's Engineer prior to the issuance of a Certificate of Occupancy by the Township.
4. The Developer, at its own cost, shall provide all necessary easements to the Authority upon the request of the Authority.
5. The Developer shall revise its utility plans in accordance with such recommendations as the Authority's Engineer shall specify.
6. The Executive Director is hereby authorized to execute all forms necessary to obtain a NJDEP Permit.
7. The Authority hereby endorses this project and further certifies that said project meets the 201 Agency requirements and expects to continue to meet the NJPDES Permit requirements.
8. This final approval granted pursuant to this Resolution shall expire two (2) years from the date hereof.

9. The developer shall pay the appropriate connection and inspection fees.
10. The sewers shall conform to the Authority's Rules and Regulations.
11. This approval is subject to acceptance of the comments and conditions outlined in Jacobs Environmental Consulting's letter dated October 9, 2013.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, Geter and Vereen and Mrs. Zamonski.

Nays: None.

Absent: None.

Mr. Stephens presented the 2014 Preliminary Budget to the Board in the amount of \$12,445,550.00 Operating Budget and \$12,415,000.00 Capital Program. The Operating Budget is approximately \$99,000 more than last year's budget. The Finance Committee met and reviewed the budget and recommends its approval. The Finance Committee thanked Mr. Filler and Mr. Stephens for doing a great job with the budget.

Res. 105:13. On motion of Mr. DiFrancesco and seconded by Mr. Vereen the following resolution was presented for adoption:

It was moved that the 2014 Preliminary Budget be approved to be submitted to the State for approval, that the public hearing be set for the Authority's December 17, 2013 meeting and the following be adopted:

WHEREAS, the Annual Budget and Capital Budget for the Ewing Lawrence Sewerage Authority for the fiscal year beginning, January 1, 2014 and ending, December 31, 2014 has been presented before the governing body of the Ewing Lawrence Sewerage Authority at its open public meeting of October 15, 2013; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$ 13,963,836 Total Appropriations, including any Accumulated Deficit if any, of \$14,898,836 and Total Unrestricted Net Assets utilized of \$935,000; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$12,415,000 and Total Unrestricted Net Assets planned to be utilized as funding thereof, of \$265,000; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the

purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from the Renewal and Replacement Reserve or other means provided by law.

NOW, THEREFORE BE IT RESOLVED, by the governing body of the Ewing Lawrence Sewerage Authority, at an open public meeting held on October 15, 2013 that the Annual Budget, including appended Supplemental Schedules, and the Capital Budget/Program of the Ewing Lawrence Sewerage Authority for the fiscal year beginning, January 1, 2014 and ending, December 31, 2014 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the governing body of the Ewing Lawrence Sewerage Authority will consider the Annual Budget and Capital Budget/Program for adoption on December 17, 2013.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, Geter and Vereen and Mrs. Zamonski.

Nays: None.

Absent: None.

Mr. Jacobs advised that he has reviewed the application submitted by PNC Bank. The applicant proposes to construction a 4,020 square foot bank building on the island by the entrance to Mercer Mall from Province Line Road in West Windsor Township. Mr. Jacobs recommended granting final approval subject to the comments in his letter dated October 1, 2013.

Res. 106:13. On motion of Mrs. Zamonski and seconded by Mr. DiFrancesco the following resolution was presented for adoption:

WHEREAS, PNC BANK proposes construction of a 4,020 square foot bank building on the island by the entrance to Mercer Mall from Province Line Road in West Windsor Township; and

WHEREAS, the EWING-LAWRENCE SEWERAGE AUTHORITY (the "Authority") considered the application of the Developer to connect its proposed facility to the Authority's sewerage system;

NOW, THEREFORE BE IT RESOLVED that the proposed connection for the Developer's proposed Development to the Authority's sewerage system is approved, subject to the following conditions:

1. The connection to the Authority's sewerage system is subject to a determination by the Authority and any responsible regulatory agency (e.g., the United States Environmental Protection Agency and the New Jersey Department of Environmental Protection) at the time of connection that there is adequate capacity in such system to serve the Developer's proposed Development.

2. In the event that the Authority is unable to serve the Developer's proposed development at the time of connection because of inadequate capacity or for any other reason, the Developer shall have no right of action or recourse against the Authority.

3. The Developer, at its own cost, shall provide "as-built" plans for the sewerage system in a manner acceptable to the Authority's Engineer prior to the issuance of a Certificate of Occupancy by the Township.

4. The Developer, at its own cost, shall provide all necessary easements to the Authority upon the request of the Authority.

5. The Developer shall revise its utility plans in accordance with such recommendations as the Authority's Engineer shall specify.

6. The Executive Director is hereby authorized to execute all forms necessary to obtain a NJDEP Permit.

7. The Authority hereby endorses this project and further certifies that said project meets the 201 Agency requirements and expects to continue to meet the NJPDES Permit requirements.

8. This final approval granted pursuant to this Resolution shall expire two (2) years from the date hereof.

9. The developer shall pay the appropriate connection and inspection fees.

10. The sewers shall conform to the Authority's Rules and Regulations.

11. This approval is subject to acceptance of the comments and conditions outlined in Jacobs Environmental Consulting's letter dated October 1, 2013.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, Geter and Vereen and Mrs. Zamonski.

Nays: None.

Absent: None.

Representatives of Synnergy LLC discussed the possibility of forming a public-private partnership between ELSA and Synnergy LLC in order to provide electricity to power ELSA's treatment plant using solar power collected offsite. There would be no financial investment by the Authority. Synnergy would like to file an application with PSE&G on behalf of the Authority to determine how much energy could be generated by installing solar panels on property Synnergy has an option purchase on Sweetbriar Road in Hamilton Township. Synnergy will pay the full cost of the application.

Res. 107:13. On motion of Mr. DiFrancesco and seconded by Mrs. Zamonski it was moved that the Authority allow Synnergy to make application to PSE&G on behalf of the Authority for the installation of solar panels on property owned by Synnergy on Sweetbriar Avenue in Hamilton Township.

The above resolution was adopted on the following roll call vote:

Ayes: Messrs. Cermele, Colavita, DiFrancesco, Geter and Vereen and Mrs. Zamonski.
Nays: None.
Absent: None.

David Sopronyi and Dennis Yoder of Remington, Vernick & Arango advised that the Authority has received final approval for the Scotch Road Extension project. They advised that the Authority had a very good contract and that the project went very smoothly.

Mr. Filler provided the Board with Mr. Jacobs' EDU calculations for the Pennington Circle properties. Mr. DiFrancesco expressed his dissatisfaction with the fact that the State has approved the County Wastewater Management Plan. He advised that it is ELSA's intent to remain at 16 mgd.

The November meeting was changed to Monday, November 18, 2013 at noon.

Mr. Jacobs reported that he and ELSA staff met with Costco last week. He advised that there is an agreement between Costco and Avalon Run to provide sewer service. They will be submitting an application to the Authority, which should be on the Authority's November agenda. Mr. DiFrancesco requested verification of the flow that was originally approved for the pump station.

Mr. Rank reported that he is working on the Pennington Circle agreement.

Res. 108:13. On motion of Mr. Colavita and seconded by Mr. Geter and unanimously carried, the meeting was adjourned at 1:30 P.M.

Pasquale Colavita, Secretary